

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	08 Cr. 62 (JSR)
	:	
– <i>against</i> –	:	DECLARATION IN SUPPORT OF
	:	SUPPLEMENTAL PRETRIAL
	:	MOTIONS PURSUANT TO
ANTHONY STEELE,	:	<u>RULE 12(b), FED.R.CRIM.P.</u>
	:	
	:	(filed electronically)
	:	
Defendant.	:	

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ALICE L. FONTIER, ESQ., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an associate in the Law Offices of Joshua L. Dratel, P.C. Mr. Dratel represents defendant Anthony Steele in the above-captioned case by CJA appointment. I make this declaration in support of Mr. Steele’s Pretrial Motions pursuant to Rule 12(b), Fed.R.Crim.P.

2. I have viewed a video recording of Anthony Steele made on December 3, 2007. On the video of Mr. Steele a voice tells Mr. Steele to “speak, speak.” After Mr. Steele follows this instruction, the voice then asks Mr. Steele a follow-up question.

3. I was present in the United States Attorney’s Office for S.D.N.Y. on March 24, 2007 with AUSA Benjamin Naftalis, Aaron Mysliwicz, and several law enforcement officers from the Bureau of Alcohol, Tobacco, and Firearms and the New York City Police Departments. Upon information and belief, these people included ATF Special Agents Anthony Melchiorri, Michael Parten, Robert Cucinotta; ATF/NYPD Task Force Officer/Detective Peter Shanhai; NYPD Sergeant Edward Risano; and, NYPD Detectives Finbarr Fleming and William Puskas. During

the meeting one of the agents stated, in sum and substance, that Mr. Steele was not a very forthcoming person, and that initially Mr. Steele would not provide any information to the Agent. The Agent further stated, in sum and substance, that eventually Mr. Steele would begin to provide pieces of information if a person kept “going back at him.” Upon information and belief, the Agent who said this to defense counsel was ATF/NYPD Task Force Officer/Detective Peter Shanhai.

WHEREFORE, it is respectfully requested that the Court grant Mr. Steele’s Motions in their entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed April 14, 2008.

/S/
ALICE L. FONTIER